

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 cr 39-1**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
DANIELLE DEVONNA JONES,)	
)	
Defendant.)	
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THIS MATTER is before the undersigned pursuant to a Motion for Discovery from Codefendant (#137); Addendum to Motion for Discovery From Codefendant (#142); and Motion for Transcripts (#143) filed by Danielle Devonna Jones, acting pro se. In the Motion for Discovery from Codefendant (#137) Defendant requests reports of all physical and mental examinations performed upon her co-defendant, Danny Terron Roney. The request includes all records, results, notes of all physical, medical, psychiatric and psychological evaluations performed upon said co-defendant. Defendant further requests that she be notified of the date, time and location of all other future physical and mental examinations to be performed upon Mr. Roney, and that Defendant be supplied with an expert of her choosing to conduct a separate review, and if needed, a physical or mental examinations of her co-defendant. In the Addendum to Motion for Discovery from Codefendant (#142), Defendant provided notice that she was not seeking such

request from her other codefendant Postel Samuels, but only concerning Defendant Danny Terron Roney.

In her Motion for Transcripts (#143), Defendant requests what she describes as a correction of record concerning two hearings, one that took place on November 1, 2016 and the other that took place on December 19, 2016 regarding previous discovery motions filed by Defendant. The Government has responded (#147) to the Motion for Transcripts and has further responded (#152) to the Motion for Discovery From Codefendant. Counsel for Defendant Danny Terron Roney has responded to the Motion for Discovery From Codefendant and Addendum to Motion for Discovery From Codefendant (#149) and (#150).

I. Motion for Discovery From Codefendant (#137) and Addendum to Motion for Discovery From Codefendant (#142).

Defendant has not provided to the Court any citation to authority, statute or Rule that would entitle her to the relief sought in her motions. The material that Defendant is seeking is protected by the psychotherapist privilege that was set forth by the United States Supreme Court in Jaffee v. Redmond, 518 U.S. 1, 15 (1996) where the Supreme Court held that communications between a licensed psychotherapist and his patients are protected from compelled disclosure. The undersigned cannot find any provision of the Federal Rules of Criminal Procedure that authorize a defendant to receive discovery from a codefendant nor is there any

authority that would support the contention that one defendant can have an expert appointed to conduct a physical or mental examination of a co-defendant. There is no issue here concerning consent by Mr. Roney, because his counsel has objected to the information requested by the Defendant. For the above reasons, the Motions (#137) and (#142) will be denied.

II. Motion For Transcripts (#143).

In the Motion For Transcripts (#143) Defendant request a correction of record concerning discovery hearings that took place on November 1, 2016 and December 19, 2016 concerning previous discovery motions filed by Defendant. The “record” in this case is what the record is and it cannot be modified. Facts are facts. Statements made in open court are statements that are made and are on the record. Therefore, the request for a correction of the record will be denied.

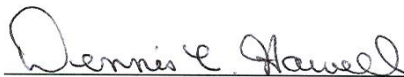
In regard to Defendant’s request for transcripts of the hearings that took place on November 1, 2016 and December 19, 2016, the Court has examined the record and it shows that a hearing took place before this Court on November 2, 2016 which this Court addressed by Order (#88) filed on November 4, 2017. On December 19, 2016, the undersigned held a hearing in regard to another motion filed by Defendant which this Court addressed in a written Order (#110) filed on January 6, 2017. Defendant was present for both hearings and the hearings have been memorialized in the two Orders that have been entered. Witnesses were not called at either hearing

by either the Government or the Defendant. Despite these findings, the Court will order that a transcript of the two hearings be prepared and a copy of those transcripts be provided to the Defendant and her standby counsel.

ORDER

IT IS, THEREFORE, ORDERED that the pro se Defendant's Motion for Discovery From Codefendant (#137) and an Addendum to Motion For Discovery From Codefendant (#142) are **DENIED**. It is further **ORDERED** that the portion of the Defendant's Motion for Transcripts (#143) requesting a correction of record concerning hearings that took place on November 2, 2016 and December 19, 2016 is **DENIED**. The portion of Defendant's motion requesting transcripts of hearings that were held on November 2, 2016 and December 19, 2016 will be **ALLOWED** and the Court hereby directs that the Clerk of this Court shall contact a court reporter and direct that transcripts at government expense be prepared of the recorded hearings that took place on November 2, 2016 and December 19, 2016. After preparation those transcripts shall be provided to Defendant and her standby counsel. Defendant is advised that in the future good and sufficient cause will have to be shown for any requests of transcripts in this matter.

Signed: March 14, 2017



Dennis L. Howell
United States Magistrate Judge

